

Central Intelligence Agency



Washington, D.C. 20505

84-0061/10

25 May 1984

The Honorable Frank R. Wolf
House of Representatives
Washington, D.C. 20515

Attention: Ms. Judy McCary

Dear Mr. Wolf:

I appreciate the opportunity to respond to your letter of 17 April 1984 regarding the concerns of [redacted] who suggests that we have been unfairly STAT treating General Services Administration (GSA) Federal Protective Officers assigned to the Central Intelligence Agency (CIA). [redacted] has raised several questions STAT concerning the plans of this Agency to assume responsibility for its Security Protective Program, and it is implied that this takeover might possibly be in violation of the National Security Act of 1947.

This is to advise that the level of protective support provided by the Federal Protective Service has suffered over the past few years because there has been a significant problem in recruiting high-caliber personnel for assignment to the Central Intelligence Agency. As a result of the acute vacancy rate of Federal Protective Officers assigned to CIA, this Agency explored other ways to provide adequate security protection in a cost-efficient manner. With the approval of GSA and the Office of Management and Budget, the Agency recently negotiated a transfer of responsibility and limited authority for handling the protection of certain CIA facilities. The Agency is currently in the process of hiring Security Protective Officers over the next three years.

This matter has been carefully reviewed and it is the opinion at CIA that there has been no violation of the National Security Act of 1947. It is important to note that Agency Security Protective Officers will have no powers of arrest or any protective responsibilities outside of the boundaries of specific Agency facilities.

It is hoped that this response fully addresses the issues raised by [redacted] STAT

Sincerely,

Harry E. Fitzwater
Deputy Director
for
Administration

STAT

Enclosure:

Report on H.R. 5399, Title IV

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less than GS-18, except the Director may, in the public interest, extend service up to 5 years.

Annuities to beneficiaries are provided exclusively from the CIARDS fund maintained through: (a) contributions, currently at the rate of 7 percent, deducted from basic salaries of participants designed by the Director; (b) matching Agency (employer) contributions from the appropriation from which salaries are paid, based on the actual rate of contributors received from participants; (c) transfers from the Civil Service Retirement and Disability Fund representing employee and matching employer contributions for service of Agency employees prior to the date of their participation in CIARDS, and contributions for service of integrated Agency employees included in CIARDS following termination of integrated status; (d) income on investments in U.S. Government securities; and (e) beginning in 1977, direct appropriations consistent with the provisions of Public Law 94-552.

✓ TITLE IV—ADMINISTRATIVE PROVISIONS RELATED TO THE CENTRAL INTELLIGENCE AGENCY

Section 401 adds a new section 15 to the Central Intelligence Agency Act of 1949 to provide for effective physical security of CIA installations within the United States. Currently, officers of the Federal Protective Service of the General Services Administration (GSA) provide physical security at CIA facilities. For a number of reasons, the General Services Administration has been unable to handle this function adequately. The CIA wishes to assume from GSA responsibility for the physical security of CIA installations. Section 401 grants to CIA physical security personnel the same powers currently exercised by GSA personnel performing that function.

The force of GSA Federal Protection Officers (FPO) currently assigned to protect CIA facilities has operated in recent years at 60 percent of the authorized strength necessary to provide effective security for CIA facilities. Two years ago, the FPO force at the CIA was 41.6 percent under strength. The GSA undertook serious efforts to reduce the shortfall, but a year later the FPO force was still 40.5 percent under strength. In July 1983, the General Services Administration informed the CIA that no significant improvement in the situation could be expected.

The inability of the General Services Administration to attract people to FPO assignments at CIA installations results from (1) the low maximum pay GSA is authorized to pay FPO's (GS-5, \$13,800 to \$18,000), (2) the requirement that FPO's assigned to CIA undergo full background investigations and polygraph examinations not required for other FPO assignments, (3) the safety and security check duties required of FPO's assigned to CIA installations in addition to the police and guard duties that normally make up FPO assignments, and (4) the absence of convenient public transportation to CIA installations. As a result of these problems, the FPO force assigned to CIA installations is too small to perform its physical security function effectively. The existing force is overworked, often working double shifts. The CIA needs a full-strength, fully alert physical security force.

To remedy the situation, the CIA will assume from the General Services Administration responsibility for physical security at CIA

installations. The CIA will phase in its assumption of the physical security function over the next three years, beginning with the CIA headquarters compound and the National Photographic Interpretation Center. The CIA security personnel replacing FPO's will receive the same training that FPO's receive and will undergo additional CIA training. The CIA security personnel will enter on duty at the GS-6 pay level (\$15,400-\$20,000) and will have open to them the full range of career opportunities available in security work at the CIA. The committee expects the CIA to grant preference in hiring for the planned CIA physical security personnel positions to qualified individuals who currently serve in FPO assignments at the CIA.

The CIA expects to realize significant budget savings by providing its own physical security in lieu of paying GSA to do so. The Committee has been assured that CIA physical security personnel positions will be counted within the authorized end-strengths for CIA personnel provided in the annual intelligence authorization acts.

The transfer of physical security authority and responsibility from GSA to the CIA would normally be accomplished simply by GSA delegating its authority to the CIA. The Departments of Justice, Labor, and Transportation, for example, provide their own physical security under delegations of authority from GSA. The CIA, however, is subject to a unique provision in the National Security Act of 1947 which states that the CIA may not have "police, subpoena, law-enforcement powers, or internal-security functions." That provision could be construed to prevent CIA security personnel, acting under delegated GSA authority, from detaining trespassers or even terrorists attacking a CIA installation, or even from issuing federal parking citations for illegally parked automobiles at CIA Headquarters. To remove any ambiguity which could arise concerning the authority of CIA to exercise the powers necessary to perform the physical security function, the committee determined that it was appropriate to provide a clear legislative grant of these powers to CIA physical security personnel.

Section 401 will give CIA physical security personnel designated by the Director of Central Intelligence the same limited law enforcement powers that GSA special policemen, which is the statutory term for FPO's, currently possess under section 318 of title 40, United States Code. CIA physical security personnel will have those limited powers only when they are within the boundaries of CIA installations.

Under section 401, the Director of Central Intelligence is authorized to issue rules and regulations with respect to CIA property. Designated CIA security personnel will be responsible for enforcing such rules and regulations. The committee expects the Director of Central Intelligence to adopt regulations which are as similar as possible to those promulgated by the Administrator of General Services with respect to other federal installations, consistent with the functions and requirements of CIA installations.

Section 401 requires that CIA security personnel performing the physical security function at CIA installations be clearly identifiable as United States Government security personnel. This requirement ensures that members of the public entering upon any CIA installations will have due notice of the legal authority of the designated CIA physical security personnel.